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To: Renata Hesse, Trial Attorney, DOJ**From:** Michael G. Millson**Fax:****Date:** 12/12/2001**Phone:****Pages:** 3 (including cover)**Re:****CC:**

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•Comments:

Attached please find my comments for the U.S. v. Microsoft Corporation proposed settlement.



AableTech Solutions, Inc.

December 12, 2001

Renata Hesse
Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

REF: U.S. v. Microsoft Corporation Proposed Settlement

To the Department of Justice:

As the CEO of AableTech Solutions, Inc. and a Web Systems Engineer with 7 years of Internet experience and 20 years of programming experience, I am very familiar with the technologies and issues at hand in the Microsoft antitrust case. I have witnessed firsthand the negative impact that Microsoft's monopoly has had on our industry, and the proposed settlement is not an adequate response to the antitrust violations that Microsoft has committed.

Microsoft has already been found guilty of maintaining an illegal operating system monopoly, and now should be the time to enforce a penalty that accounts for Microsoft's past illegal activities and prevents further monopolistic behavior. However, I find the proposed settlement contains no substantial penalties and will only serve to advance Microsoft's operating system monopoly.

I believe a just penalty would contain the following remedies:

- Microsoft's operating system should not be allowed to be coupled with computer hardware. Instead, the operating system should be an additional charge. Consumers should be able to purchase a computer without an operating system at a lower price than a computer with an operating system, and they should be allowed to choose the operating system that is installed.
- Microsoft should not be allowed to bundle non-operating system related software such as Web browsers, e-mail programs, and media players with the operating system. These products should be offered as stand-alone products at a cost above and beyond the operating system to prevent Microsoft from continuing to use its operating system monopoly to take over new markets.
- Microsoft should be forced to FULLY publish all its networking protocols and file formats in addition to publishing its operating system APIs to allow competitors to build products that will interop with Microsoft's software and prevent Microsoft from seizing control of the Internet.
- Microsoft should have to pay monetary damages to the companies such as Netscape, IBM, and countless others that have suffered or been driven out of business as a result of illegal activity. Microsoft has unjustly filled its coffers, and a

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percentage of this money should be distributed to the companies and individuals who have been wronged.

I do not believe the current state of the tech economy should be interpreted as a signal to enforce a light penalty on Microsoft. In fact, it is crucial to the national interest that Microsoft's operating system monopoly not be extended. In the report entitled "Cyber Threats and Information Security: Meeting the 21st Century Challenge," the Center for Strategic and International Studies concluded that use of Microsoft software actually poses a national security risk.

Microsoft's activities over the last 10 years have substantially stunted the growth of the computer industry. Without any real competition, the software that Microsoft has produced has been riddled with security holes and productivity sapping bugs, and many truly innovative companies have been driven out of the marketplace. Consumers have been left with no other choice but a blasé fare of sustaining, yet hardly remarkable products from Microsoft.

I support and commend the 9 states that have refused to agree to the proposed settlement. In order to breath new life into the technology sector and safeguard the future of the United States and the computer industry, stricter penalties and restrictions must be placed on Microsoft.

Sincerely,



Michael G. Millson
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Web Systems Engineer
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